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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,572	11/28/2003	James Thomas Dunn	80070-5002 ADB	4954
23529	7590	08/01/2005	EXAMINER	
ADE & COMPANY 1700-360 MAIN STREET WINNIPEG, MB R3C3Z3 CANADA			LUBY, MATTHEW D	
		ART UNIT		PAPER NUMBER
				3611

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/722,572	DUNN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Matt Luby	3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Preliminary Amendment*

The preliminary amendment filed March 22, 2004 has been entered.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' Admitted Prior Art, hereafter AAPA, in view of Green (6,659,491).

AAPA disclose all of the claimed invention on pp. 1-2 of the disclosure of the present application except for damper members comprising a piston rod and cylinder connection connected between the frame and the castor assemblies. Green discloses that castor wheels may be stabilized by damper members comprising a piston rod and a cylinder connection (34) connected between the frame and the castor assemblies (which have the capability to provide a damping force that varies, such as being at a higher value when wheels are parallel to the center line of the vehicle than when those wheels are at right angles to the center line) in order to reduce wheel chatter/motion while the vehicle is moving (col. 4, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide damper members

connected between the frame and the castor assemblies on the AAPA vehicle, as taught by Green, in order to reduce wheel chatter/motion while the vehicle is moving.

Regarding claim 4, Green discloses that each damping member includes a lever (68).

Regarding claim 5, Green discloses that the lever is radial to the plane of the vertical axis (Figure 4).

Regarding claims 6-8, Green discloses the frame includes a transverse axle for each of the castor wheels (16 is an axle as shown in Figure 10, inasmuch as Applicants are referring to 40 as an axle for the purposes of this claim limitation); wherein the damper cylinder extends substantially along the top of the axle (compare Figures 1 and 10) and wherein the damper cylinder is attached to a lever (68) at the top of the pivot member (Figure 4).

Regarding claim 9, Green discloses that the damper cylinder has one end attached to a bracket bolted to the axle (Figure 1 for example shows the non-castor assembly end of the damper cylinder, 34, attached to a bracket bolted to the axle, 16).

Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' Admitted Prior Art, hereafter AAPA, in view of Green (6,659,491).

AAPA disclose all of the claimed invention on pp. 1-2 of the disclosure of the present application except for a pair of elongate damper cylinders connected between the frame and the castor assemblies. Green discloses that castor wheels may be stabilized by a pair of elongate damper cylinders (34) in order to reduce wheel chatter/motion while the vehicle is moving (col. 4, lines 1-2). It would have been

obvious to one of ordinary skill in the art at the time of the invention to provide a pair of elongate damper cylinders connected between the frame and the castor assemblies on the AAPA vehicle, as taught by Green, in order to reduce wheel chatter/motion while the vehicle is moving.

Regarding claim 11, Green discloses that each damper cylinder is attached to a lever (68).

Regarding claim 12, Green discloses that the lever extends radial of the vertical pivot axis (Figure 4).

Regarding claims 13-15, 18 and 19, Green discloses the frame includes a transverse axle for each of the castor wheels (16 is an axle as shown in Figure 10, inasmuch as Applicants are referring to 40 as an axle for the purposes of this claim limitation); wherein the damper cylinder extends substantially along the top of the axle (compare Figures 1 and 10) and wherein the damper cylinder is attached to a lever (68) at the top of the pivot member (Figure 4).

Regarding claims 16 and 20, Green discloses that the damper cylinder has one end attached to a bracket bolted to the axle (Figure 1 for example shows the non-castor assembly end of the damper cylinder, 34, attached to a bracket bolted to the axle, 16).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it relates to castor wheel assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt Luby whose telephone number is (571) 272-6648. The examiner can normally be reached on Monday-Friday, 9:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6612. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Matt Luby  
Examiner  
Art Unit 3611

ml  
July 28, 2005